



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE June 19, 2015 LOCAL EFFECTIVE DATE July 3, 2015 APPROX FINAL EFFECTIVE DATE July 17, 2015	CONTACT/PHONE Cheryl Cochran (805)781-1366 ccochran@co.slo.ca.us	APPLICANT Troye Mueller	FILE NO. DRC2014-00087
SUBJECT Hearing to consider a request by TROYE MUELLER for a Minor Use/Coastal Development Permit (DRC2014-00087) to allow an 1,160 square foot manufactured home as a secondary dwelling. The project will result in the disturbance of approximately 5,400 square feet of a 5.7 acre parcel. The proposed project is within the Residential Rural land use category, and is located at 2199 Falcon Ridge Lane, west of the community of Los Osos. The site is in the Estero Planning Area in the Coastal Appeal Zone.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00087 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on April 3, 2015.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION Local Coastal Plan, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 074-225-015	SUPERVISOR DISTRICT(S): 2
PLANNING AREA STANDARDS: Estero Area Plan Does the project meet applicable Planning Area Standards: Yes - see discussion			
LAND USE ORDINANCE STANDARDS: 23.07.120 – Local Coastal Program Area 23.04.100 - Setbacks 23.04.114 - Interior Setbacks and Open Areas 23.04.124 - Height Limitations 23.04.420 - Coastal Access Required. 23.08.169 - Secondary Dwelling Units (S-8) Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: <i>Single Family Residence</i>	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural / residence <i>East:</i> Residential Rural / residence <i>South:</i> Residential Rural / residence <i>West:</i> Residential Rural / residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire/County Fire, Coastal Commission, Los Osos Community Advisory Council	
TOPOGRAPHY: <i>Generally level</i>	VEGETATION: <i>Ornamental landscaping</i>
PROPOSED SERVICES: Water supply: <i>Existing on-site well</i> Sewage Disposal: <i>Individual septic system</i> Fire Protection: <i>Cal Fire</i>	ACCEPTANCE DATE: <i>March 30, 2015</i>

DISCUSSION

PROPOSED PROJECT:

The site is currently developed with a one-story single family residence. The applicant is proposing to construct a 1,160 square foot manufactured home as a secondary dwelling unit with an extension of the existing driveway and utilities. The maximum height of the secondary dwelling unit will be 15'-1". Two Monterey pine trees will be impacted by the new driveway, and one Eucalyptus tree will be removed.

PLANNING AREA STANDARDS:

As described below, the project complies with the standards of the Estero Area Plan.

AREAWIDE STANDARDS

H – Light and Glare:

At the time of application for any land division, land use permit or coastal development permit, the applicant shall provide details on any proposed exterior lighting, if applicable. Except as necessary to support agricultural operations, all lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

Staff Response: The proposed project, as conditioned, will comply with the light and glare criteria listed above.

J - Los Osos Groundwater Basin:

New development using water from the Los Osos Groundwater Basin shall be required to offset water use within the Los Osos Groundwater Basin and shall not result in a new increase in water use.

Staff Response: This project, as conditioned, will be required prior to permit issuance to comply with Title 19.07.042 of the County Code to obtain a Title 19 Water Conservation Certificate. This provision requires all new development that overlies the Los Osos Groundwater Basin to offset water use at a 2:1 ratio. The applicant will accomplish this by retrofitting plumbing fixtures in existing homes to generate water savings in the amount of 300 gallons per day.

A. Circulation

1. Areawide Systems - New development in land divisions, Minor Use Permits and Developments Plans shall be integrated into areawide circulation and utility easements, providing for future extensions into adjacent undeveloped properties wherever feasible or where known areawide rights-of-way are planned, unless such physical extensions would induce growth potentially inconsistent with the LCP.

2. Driveways - Land divisions, Minor Use Permits and Development Plans shall include, where possible, provisions for combining driveways serving proposed parcels wherever terrain and adequate sight distance allow.

Staff Response: The proposed project, as conditioned, complies with this standard because the secondary dwelling unit will be served by an extension of the existing driveway.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

23.04.100 - Setbacks

All residential uses except for second-story dwellings over a commercial or office use are to have a minimum front setback of 25 feet. The required side setback is a minimum of 30 feet on sites greater than one acre in net area. The required rear setback is 30 feet on sites greater than one acre in net area.

Staff Response: The project complies with these standards because the front setback is approximately 40 feet, the side setbacks are approximately 350 feet and 450 feet, and the rear setback is approximately 200 feet.

23.04.124 - Height Limitations: The maximum height for new structures in residential categories is 35 feet, except where other height limitations are established by planning area standards of the Land Use Element

Staff Response: The proposed project complies with this standard because the height of the proposed structure is 15'-1".

23.04.420 - Coastal Access Required.

Development within the Coastal Zone between the first public road and the tidelands shall protect and/or provide coastal access as required by this section. The intent of these standards is to assure public rights of access to the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this section to satisfy the intent of the California Coastal Act.

Staff Comments: The proposed project complies with this policy because the site is over 4 miles from the sea and will not interfere with public access.

23.07.120 – Local Coastal Program Area: The Local Coastal Program combining designation identifies areas of San Luis Obispo County that are within the California Coastal Zone as determined by the California Coastal Act of 1976. The provisions of this title apply to all unincorporated portions of the county located within the Coastal Zone, and do not apply to any areas outside of the LCP combining designation.

Staff Response: The project is appealable to the Coastal Commission because a secondary dwelling is a special use in the rural residential category and the project site is located between the first public road and the sea.

23.08.169 - Secondary Dwelling Units (S-8)

A second permanent dwelling may be allowed pursuant to this section on a site in the Residential Single-Family, Residential Suburban and Residential Rural land use categories, in addition to the first dwelling on a site allowed by Section 23.04.082, provided the site and the

existing primary dwelling satisfy all other applicable provisions of this title. (A caretaker residence is subject to Section 23.08.161, farm support quarters are subject to Section 23.08.167c.)

a. Authority. Secondary dwellings are authorized by this title pursuant to the authority established by Sections 65852.2 et seq. of the California Government Code.

b. Limitations on use.

(1) Accessory unit only. A Secondary Dwelling Unit shall be accessory to a primary dwelling and shall not be established on any site containing a guesthouse (Section 23.08.032e) or more than one dwelling unit, except where a guesthouse is proposed to be converted to a secondary dwelling unit pursuant to this section.

Staff Response: A secondary unit is permitted in the Residential Rural land use category. The proposed project will comply with the limitations on use criteria because the primary residence is the only other existing or proposed dwelling unit on the property.

(2) Occupancy of primary and secondary units restricted. No secondary dwelling shall be approved pursuant to this section unless an owner of the site agrees to occupy one unit on the site as his or her primary residence. Prior to final building inspection, the applicant for a second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 23.10 of this Title.

Staff Response: The project, as conditioned, will comply with this provision. The applicant is required to record a notice against the property prior to final inspection.

Permit requirement. Plot Plan approval is required in all areas where Secondary Dwelling Units are allowed. For a secondary dwelling meeting the definition of appealable development pursuant to Coastal Zone Land Use Ordinance Section 23.01.043(c), a public hearing is not required. Instead, a notice shall be filed in accordance with Coastal Zone Land Use Ordinance section 23.02.070(b). The notice shall be provided to all property owners within 300 feet of the subject property and to all residents within 100 feet. In addition to the items listed in 23.02.070(b), the notice shall state that the project may be appealed to the California Coastal Commission. Nothing in this section shall exempt secondary dwellings from meeting any applicable Local Coastal Plan policies. Notice of Final County Action is required in accordance with Coastal Zone Land Use Ordinance section 23.02.036.

Staff Response: In compliance with this section, notices were mailed on June 9, 2015 to all property owners within 300 feet of the subject property and to all residents within 100 feet.

Minimum site area. A secondary dwelling may be established pursuant to this section only on sites with the following minimum areas:

(1) 6,000 square feet for sites served by community water and sewer facilities.

(2) One acre (net) where on-site water supply and sewage disposal systems are proposed on an existing parcel, provided that all applicable requirements for separation between the

existing septic system, new septic system for the secondary dwelling and any on-site and off-site water wells are satisfied, as well as all other applicable provisions of Title 19 of this Code for septic system design and performance.

(3) One acre (gross) where community water and on-site sewage disposal systems are proposed on an existing parcel, provided that all applicable provisions of Title 19 of this Code for septic system design and performance are satisfied. Except that where a larger minimum site area requirement is established by planning area standards of the Land Use Element, the larger area shall be required.

Staff Response: The proposed project complies with this standard because the site is greater than one acre and will use a new on-site septic system.

Design standards:

(1) The following standards apply to all land use categories where secondary dwellings are allowed.

SIZE OF LOT	MAXIMUM SIZE OF UNIT (1)	TYPE OF ROAD SURFACE (2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. - 1 acre	800 square feet	Paved	50 feet
> 1 acre - 2 acres	800 square feet	Chip Seal (3)	50 feet
> 2 acres	1,200 square feet	Chip Seal (3)	250 feet

Staff Response: The proposed project complies with this standard because the site is greater than 2 acres, the secondary dwelling unit will be 1160 square feet, and located approximately 50 feet from the primary residence.

Driveways: The driveways serving the primary and secondary dwelling shall be combined where possible. An adjustment may be granted in compliance with Section 23.01.044 if combining driveways is prohibited by a physical site constraint, would result in grading on slopes over 15 percent or would require the removal of oak trees or other native trees.

Staff Response: The project complies with this standard because the proposed secondary unit will take access from the existing driveway.

Parking. A Secondary Dwelling Unit shall be provided-one off-street parking space per bedroom up to a maximum of two spaces, in addition to those required for the primary residence by Section 23.04.166c(5)(Required Parking Spaces - Residential Uses), and such parking space shall be located, designed and constructed pursuant to Sections 23.04.163, 164 and 168, except that for lots of 7,500 square feet or less, the parking may be located within the front setback and tandem with the parking required for the primary dwelling

Staff Response: The proposed project includes two parking spaces and will be conditioned as such.

23.05.064 - Tree Removal Standards:

Applications for tree removal in accordance with Section 23.05.062 are to be approved only when the following conditions are satisfied:

c. Replacement. Any tree removed to accommodate new development or because it is a safety hazard shall be replaced, in a location on the site and with a species common to the community, as approved by the Planning Director

Staff Response: The project as conditioned will comply with this standard because the one Eucalyptus tree to be removed shall be replaced with a native tree. In addition, the 2 Monterey Pine trees to be impacted will be replaced by 2 Monterey Pine trees.

Section 23.07.120 - Local Coastal Program

The Local Coastal Program combining designation identifies areas of San Luis Obispo County that are within the California Coastal Zone as determined by the California Coastal Act of 1976.

COASTAL PLAN POLICIES

Shoreline Access: N/A
Recreation and Visitor Serving: N/A
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: N/A
Agriculture: N/A
Public Works: ☒ Policy No(s): 1,
Coastal Watersheds: ☒ Policy No: 1, 7
Visual and Scenic Resources: ☒ Policy No: 7
Hazards: N/A Policy No(s):
Archeology: N/A
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

The project is consistent with the Coastal Plan Policies. The applicable policies are discussed below.

COASTAL PLAN POLICIES DISCUSSION:

Public Works

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff Comments: The proposed project complies with this standard because it will be served by an existing on-site well and water storage tank, and a new on-site septic tank and leach field located within the setbacks. Additionally, as conditioned the project will be required to offset new water use at a 2:1 ratio prior to building permit issuance to comply with Title 19 water conservation requirements for the Los Osos Groundwater Basin.

Coastal Watersheds

Policy 1: Preservation of Groundwater Basins. The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.

Staff Response: The proposed project as conditioned complies with this policy because the applicant is required to offset new water use at a 2:1 ratio by performing plumbing retrofits in existing homes within the Los Osos Groundwater Basin in compliance with the Retrofit-to-Build requirement of Title 19.

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent.

Staff response: The proposed project complies with this policy because no grading will be required for construction of the project.

Visual and Scenic Resources

Policy 7: Preservation of Trees and Native Vegetation. The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character.

Staff Response: The proposed project will remove one Eucalyptus tree and impact two Monterey Pine Trees. As conditioned, the project will comply with this policy because the one tree to be removed will be replaced with a native species and the two Monterey Pine trees to be impacted will be replaced with Monterey Pine trees.

COMMUNITY ADVISORY GROUP COMMENTS:

The proposed project was approved unanimously at the Los Osos Community Advisory Council on March 26, 2015.

AGENCY REVIEW:

Public Works – No concerns.

Building Division – Applicable Building Division conditions are included in Exhibit B – Conditions of Approval.

Cal Fire – No concerns.

California Coastal Commission – No response.

LEGAL LOT STATUS:

The one existing parcel was legally created by a recorded map, Parcel Map CO74-240, Parcel 4 (Book 16, Page90 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Cheryl Cochran and reviewed by Megan Martin and James Caruso.

ATTACHMENTS:

Attachment 1 – Findings

Attachment 2 – Conditions

Attachment 3 – Graphics

Attachment 4 – Referrals